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ABSTRACT

All mental health professionals and other human service providers have a responsibility to report known and suspected cases of child abuse and neglect in Alaska, and many of them have a legal obligation to do so. Mental health professionals are often in a unique position to see and hear clues about child abuse and neglect. Often persons who need help because they are abusers (or are being abused) will be unwilling to admit that problem, but will seek help for other, usually unrelated problems that they are experiencing. A mental health professional who is sensitive to the indicators of abuse and neglect often will be able to determine, or at least speculate with some certainty, that abuse or neglect is taking place in a family. Likewise, other human service providers, those working for example, in family violence, substance abuse, and crisis intervention programs, are likely to hear and see clues about child abuse and neglect. Among those who are required by law to report child abuse and neglect are psychiatrists, psychologists, social workers, hospital administrators, teachers, and child care providers. This legal obligation to report takes precedence over the confidentiality of information requirement in the Hippocratic Oath and other professional codes. (LLL)

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Reporting Child Abuse & Neglect in Alaska

Information for Mental Health Professionals and other Human Service Providers

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The special role of mental health professionals and other human service providers

MENTAL HEALTH PROFESSIONALS are often in a unique position to see and hear clues about child abuse and neglect. Often persons who need help because they are abusers (or are being abused) will be unwilling to admit *that* problem, but will seek help for other, usually unrelated problems they are experiencing. A mental health professional who is sensitive to the indicators of abuse and neglect often will be able to determine, or at least speculate with some certainty, that abuse or neglect is taking place in a family. Likewise, other human service providers—those working, for example, in family violence programs, substance abuse and crisis intervention programs—are likely to hear and see clues about child abuse and neglect. While all mental health professionals and other human service providers are encouraged to report child abuse and neglect, **psychiatrists, psychologists, social workers and other human service providers, among others, are required by law to report known and suspected abuse and neglect.** This legal obligation to report takes precedence over the confidentiality of information requirement in the Hippocratic Oath and other professional codes.

Reporting Child Abuse & Neglect in Alaska

Mental health professionals and other human service providers have a responsibility to report child abuse and neglect. Many of them have a legal obligation to report known and suspected abuse and neglect.

IN RESPONSE to the crucial need for intervention in child abuse and neglect cases, Alaska, like all other states, **requires by law*** that certain groups of people formally report confirmed and suspected child abuse and neglect. Groups who must report include individuals who are most likely to be in contact with children under the age of 18, and who, therefore, are most likely to see and hear important clues about instances of abuse and neglect.

Who are mandated reporters?

THE FOLLOWING PERSONS who, in the performance of their professional duties, have **reasonable cause to suspect**** that a child has suffered harm as a result of abuse or neglect, must **immediately** (as soon as reasonably possible—no later than 24 hours) report that information to the nearest office of the state's Department of Health & Social Services, Division of Family & Youth Services:

- Practitioners of the healing arts, including chiropractors, mental health counselors, dentists, dental hygienists, health aides, nurses, optometrists, osteopaths, physical therapists, physicians, psychiatrists, religious healing practitioners and surgeons;
- Social workers;
- Administrative officers of institutions, including public and private hospitals or other facilities for medical diagnosis, treatment or care;

continued...

* Alaska Statutes 47.17

** "Reasonable cause to suspect" means cause, based on all the facts and circumstances known to the person, that would lead a reasonable person to believe that something might be the case.

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- Paid employees of domestic violence and sexual assault prevention programs;
- Paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- School teachers and school administrative staff members (public and private schools);
- Peace officers and officers of the state Department of Corrections;
- Child care providers, including foster parents, day care providers and paid staff.

The law encourages the persons named above to also report cases that come to their attention in their nonprofessional capacities. Further, the law encourages any person to report instances of known or suspected abuse and neglect.

What are child abuse & neglect?

STATE LAW DEFINES child abuse or neglect to include the following actions by those responsible for a child's welfare:

- **Physical injury** that harms or threatens a child's health or welfare;
- **Failure to care for a child**, including neglect of the necessary physical (food, shelter, clothing, and medical attention), emotional, mental and social needs;
- **Sexual abuse**, including molestation or incest;
- **Sexual exploitation**, including permitting or encouraging prostitution;
- **Mental injury**—An injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function in a developmentally appropriate manner;

  or

- **Maltreatment**—A child has suffered substantial harm as a result of child abuse or neglect due to an act or omission not necessarily committed by the child's parent, custodian or guardian.

Who are the abused children?

ESTIMATES INDICATE that over two million children are abused or neglected each year in this country alone. In 1989, at least 1,200 and perhaps as many as 5,000 children died as a result of child abuse or neglect, and over 160,000 were seriously harmed.[1] Professionals estimate that one out of every four girls and one out of ten boys will be sexually abused before they reach 18.[2]

Any child can be the victim of abuse or neglect, including:

- Children of all ages, from infancy through the late teens;
- Children from families of all income levels;
- Children of all cultural and social backgrounds.

Who are the abusers?

ANYONE can be a child abuser:

- People in all walks of life;
- People in all income brackets;
- People of all cultural and social backgrounds.

ANYONE...

CONTRARY to what people may think, a person who abuses a child is usually not someone with a severe psychiatric disorder. They may have emotional problems which increase their potential to abuse, but usually, they are indistinguishable from anyone else. In fact, in many instances, a person who abuses is a normal person whose stress levels have reached a crisis point.

Parents Anonymous, Inc., the self-help organization for abusing parents, has identified a number of characteristics of parents who may be at "high risk" to abuse. These indicators, especially when coupled with clues from a child's comments, behavior and/or appearance, can be very useful. Some of these indicators are: [3]

- Parents who do not seem sensitive to their child's basic needs for food, shelter or clothing;

continued...

1 U.S. Advisory Board on Child Abuse and Neglect. "Child Abuse and Neglect: Critical First Steps in Response to a National Emergency," 1990.

2 Sexual Assualt Center. Harborview Medical Center. "Sexual Abuse of Children—The Offender," October 1980.

3 Parents Anonymous. Inc.. "Child Abuse is Scary," 1977.

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- Parents who seem indifferent to, deny, are unaware of or seem annoyed by injury, illness or developmental delays in their children;
- Parents who seem preoccupied with the fear that their children will grow up to be delinquents unless they are severely punished in childhood;
- Parents who tell you how "nervous" their child makes them;
- Parents who scapegoat one child as being different or bad;
- Parents whose anger about their child's behavior seems to be out of proportion to the situation;
- Parents who are socially isolated and have little time away from their children;
- Parents whose expectations of their children or of themselves as parents are unrealistic;
- Parents who express fear that they may harm their child;
- Parents who are uncomfortable relating to their child in your presence;
- Parents whose self-esteem seems to be very low

There are some other family indicators that, if coupled with children's indicators, could signal sexual abuse or exploitation. Among those indicators are:[4]

- Previous occurrence of child sexual abuse in the family;
- Other violence in the home;
- Excessive interest in daughter's activities with boyfriends and other peer relationships;
- Rigid role structure in family (paternal dominance/abused, passive mother);
- Marked role reversal between parent and child;
- Unusual amount of or inappropriate physical contacts between family members;
- Complaints about a seductive child.

4 Adapted from Jane Ramon, M.S.W., "Indicators of Child Sexual Abuse," 1984.

Children's indicators of abuse or neglect

THE FOLLOWING are excerpts from a more detailed list of indicators compiled by the government of British Columbia, the Ministry of Education, Science & Technology.[5]

- Children who are frequently late or absent from school. The child may be neglected; parents may be having trouble coping; or the child may be expected to take on parental duties and may not be allowed to attend school on some days.
- Children who arrive at school early or who are reluctant to go home in the afternoon. May suggest a lack of caring at home; no one at home; fear of going home.
- A child who is inadequately dressed for the weather may be neglected.
- Children who have welts, bruises and other physical injuries should be seen by a doctor or nurse, and the incident reported immediately if there is cause to suspect injuries resulted from nonaccidental circumstances.
- Children who are hyperactive, destructive and aggressive may be reflecting the violence at home. Children who act up may be asking for help.
- Children who are withdrawn, passive, overly compliant can be emotionally damaged. Many abused children feel very little emotion, having withdrawn to their own world.
- A child who has obvious medical needs that are unattended may well be physically neglected.
- Children who are undernourished and who go without breakfast and/or lunch can be suffering from neglect unrelated to poverty.
- Children who are tired, lethargic, listless may be suffering from neglect. Parents may not regulate their child's schedule, including sleep patterns.

There are some additional children's indicators that have often been identified with child sexual abuse. Those include:[6]

- Regression—withdrawing into fantasy worlds, wanting to be someone else;

continued...

5 Province of British Columbia, "Child Abuse/Neglect Policy Handbook," 1979.

6 Adapted from Jane Ramon, M.S.W., "Indicators of Child Sexual Abuse," 1984.

- Delinquency and aggression—especially sexually acting out and abuse to others;
- Sexual promiscuity, prostitution and unusually seductive behavior;
- Poor self-image;
- Poor peer relationships;
- Sudden school problems;
- Depression;
- Sudden eating and/or sleeping problems;
- Excessive clinging and/or fear of going home or fear of a particular person;
- Unusual fears or phobias, especially of being left alone and of men/boys;
- Self-destructive behavior (drugs, alcohol, suicidal gestures);
- Excessive or unusual rubbing of genitals (their own or others');
- Familiarity with sexual terms and activity beyond the child's age and level of development;
- Excessive and/or inappropriate physical contact with other children or adults;
- Confiding in someone, but not telling the whole story ("We have a secret, but I can't tell" or "What if I want to tell you something but I can't?");
- Running away—Every child who runs away should be asked if they are being sexually abused.

What should I do if I know or suspect?

IF YOU ARE AWARE of or have a reasonable suspicion of the existence of abuse or neglect, you will probably want to find out what the protocol is for reporting at your clinic, center or other organization. ***However, it is important to remember that reporting to your job supervisor or to another individual in your organization does not relieve you of your legal obligation to make the report to the Division of Family & Youth Services.***

To clarify again: You must report not only known instances of abuse and neglect, but also your reasonable suspicions of abuse and neglect. In

other words, if you have a reasonable suspicion, even if you are not sure about the existence of abuse or neglect, you are obligated to report. **It is not your responsibility to determine whether your suspicions are correct, or to investigate those suspicions.***

If you cannot contact the nearest office of the Division of Family & Youth Services for any reason, and immediate action is necessary for the well-being of the child, make your report to a police agency. An officer will then take immediate action to protect the child and at the earliest opportunity, will notify the nearest office of the Division of Family & Youth Services.

There may be times when you wonder whether something constitutes abuse or neglect, or if your suspicions are adequate to warrant reporting. Please feel free to contact the Division of Family & Youth Services office nearest you (addresses and phone numbers are in this brochure) to discuss those questions—anonymously if you prefer. Often such a discussion can make your next move—to report or not—much clearer.

How does the system work and what is my role?

WHEN YOU REPORT, you can discuss with a division social worker the advisability of telling the parents that you have reported. In some cases, telling them why you've reported may be helpful. As Parents Anonymous, Inc. points out, "as the reporting person, you are the first link in the chain of rehabilitation for the family. How you relate to the family can be the conditioning factor for how they perceive those who will follow in the helping process. Your attitude can make the difference between a family that expects and accepts help and one that is defensive and hostile... It helps to realize that abuse may be a plea on the part of the parent for help."[7]

There may be times, however, when you do not want the parents to know that you've reported. In such a case, let the agency to whom you report know that your name is not to be given to the parent in question. Or report anonymously. The important thing is to report. The division may be unable to take appropriate action without your help, and you may be asked later if you are willing to relinquish your anonymity.

The Division of Family & Youth Services must, by law, investigate all reports of suspected child abuse or neglect. If the agency finds that the report is unfounded and the family is not in need of services, that will end the investigation. If, however, the social worker believes that the child is in

* "It is not the intent of the legislature that persons required to report suspected child abuse or neglect under this chapter investigate the suspected child abuse or neglect before they make the required report to the department." — Alaska Statutes 47.17.010.

7 Parents Anonymous, Inc., "Child Abuse is Scary," 1977.

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need of protective services (and that the family is in need of services), a program of in-home support services can be determined to help stop the abuse or neglect, including protective day care, individual and family counseling, and homemaker support. If the social worker determines that the child is in need of emergency protection, the worker can immediately take custody of the child and remove the child to a place of safety. That is a temporary placement. Foster placement or permanent out-of-home placement and termination of parental rights can be done only through court action.

It is important to keep in mind that in most cases, such extreme actions are not required.

If you have reported abuse or neglect and want to know if action has been taken on the case, you can contact the division office for verification. Depending on your role with the family, the division may only be able to give you very limited information. It is important to remember that information you have learned about a family or individual in the course of your duties relating to the reporting of known or suspected abuse is confidential and you may not disclose it to other parties.

What is my legal liability?

ACCORDING TO STATE LAW, a person who, in good faith, makes a report, permits an interview under 47.17.027, or who participates in judicial proceedings related to reports submitted is immune from any civil or criminal liability which might otherwise be incurred or imposed.

A person required by law to file a report of abuse or neglect who willfully or knowingly fails or refuses to do so is guilty of a class B misdemeanor.

The division is committed to keeping children safe *and* to keeping families together when that is possible...

IT IS OFTEN POSSIBLE to work with the family to help them solve their problems. It isn't easy, but people can change.

If you know about or have a reasonable suspicion of child abuse or neglect, report it within 24 hours to the office of the Division of Family & Youth Services nearest you. Following are addresses and phone numbers for offices of the Division of Family & Youth Services.

IF FOR ANY REASON you cannot reach the appropriate office to make a report, call 1-800-478-4444. Remember, if a child is in imminent danger and you are unable to reach the division immediately, contact a local law enforcement agency.

NORTHERN REGION

Fairbanks (Regional Office):
1001 Noble Street
Suite 400
Fairbanks, AK 99701
452-1844

Barrow:
Box A
Barrow, AK 99723
852-3397

Delta:
Box 686
Delta Junction, AK 99737
895-4452

Fort Yukon:
Box 149
Fort Yukon, AK 99740
662-2331

Galena:
Box 329
Galena, AK 99741
656-1667

Nenana:
Box 444
Nenana, AK 99760
832-5204

NORTHWESTERN REGION

Nome (Regional Office):
Box 221
Nome, AK 99762
443-5247

Kotzebue:
Box 370
Kotzebue, AK 99752
442-3226

SOUTHCENTRAL REGION

Regional Office:
550 W. 8th Avenue
Suite 300
Anchorage, AK 99501
265-5080

Anchorage Service Unit:
550 W. 8th Ave.
Suite 201
Anchorage, AK 99501
276-1450

Copper Center:
Box 315
Copper Center, AK 99573
822-3089

Cordova:
Box 1668
Cordova, AK 99574
424-7133

Dillingham:
Box 1089
Dillingham, AK 99574
842-5237

Eagle River:
11723 Old Glenn Highway
Suite 113
Eagle River, AK 99577
694-9546

continued...

Homer:
195 Bunnell
Box 1420
Homer, AK 99603
235-7114

Kenai:
110 Trading Bay Road
Suite 160
Kenai, AK 99611
283-3369

Kodiak:
316 Mission Road
Kodiak, AK 99615
486-6174

McGrath:
Box 81
McGrath, AK 99627
524-3848

Naknek:
Box 52
Naknek, AK 99633
246-6642

Sand Point:
Box 448
Sand Point, AK 99661
383-4357

Seward:
Box 148
State Building
Seward, AK 99664
224-5236

Unalaska:
Box 228
Unalaska, AK 99685
581-1236

Valdez:
Box 750
Valdez, AK 99686
835-4789

Mat-Su:
203 W. Dogwood, Suite 2
Palmer, AK 99645
745-1701

SOUTHEASTERN REGION
Regional Office:
230 S. Franklin St.
Suite 212
Juneau, AK 99801
465-3125

Ketchikan:
415 Main Street
Room 201, State Building
Ketchikan, AK 99901
225-6611

Juneau:
230 S. Franklin St.
Suite 206
Juneau, AK 99801
465-3013

Craig:
Box 254
Craig, AK 99921
826-3266

Haines:
Box 189
Haines, AK 99827
766-2608

Petersburg:
Box 1089
Petersburg, AK 99833
772-3565

Sitka:
210 "A" Moller
Sitka, AK 99835
747-8608

Wrangell:
Box 970
Wrangell, AK 99929
874-3789

WESTERN REGION
Bethel (Regional Office):
Box 328
Bethel, AK 99559
543-3141

Aniak:
Box 63
Aniak, AK 99557
675-4377

Mountain Village:
Box 155
Mountain Village, AK 99632
591-2613

Kwigillingok:
Box 69
Kwigillingok, AK 99622
588-8627

Alaska Department of Health & Social Services
Division of Family & Youth Services
P.O. Box H
Juneau. Alaska 99811-0630